

CORRECTIONAL AND PEACE OFFICER AMENDMENTS

2018 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Paul Ray

Senate Sponsor: _____

LONG TITLE**General Description:**

This bill modifies penalties for assault against a peace officer or correctional officer.

Highlighted Provisions:

This bill:

- ▶ increases the penalty for assault against a peace officer or correctional officer when the assault causes substantial bodily injury; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

76-5-102.6, as last amended by Laws of Utah 2015, Chapter 386

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **76-5-102.6** is amended to read:

76-5-102.6. Propelling substance or object at a correctional or peace officer -- Penalties.

(1) Any prisoner or ~~[person]~~ individual detained pursuant to Section **77-7-15** who



throws or otherwise propels any substance or object at a peace officer, a correctional officer, or an employee or volunteer, including a health care provider, is guilty of a class A misdemeanor, except as provided under Subsection (2).

(2) A violation of Subsection (1) is a third degree felony if:

(a) the object or substance causes substantial bodily injury; or

~~[(a)]~~ (b) (i) the object or substance is:

~~[(i)]~~ (A) blood, urine, or fecal material;

~~[(ii)]~~ (B) an infectious agent as defined in Section 26-6-2 or a material that carries an infectious agent;

~~[(iii)]~~ (C) vomit or a material that carries vomit; or

~~[(iv)]~~ (D) the prisoner's or detained ~~[person's]~~ individual's saliva, and the prisoner or detained ~~[person]~~ individual knows he or she is infected with HIV, hepatitis B, or hepatitis C; and

~~[(b)]~~ (ii) the object or substance comes into contact with any portion of the officer's or health care provider's face, including the eyes or mouth, or comes into contact with any open wound on the officer's or health care provider's body.

(3) If an offense committed under this section amounts to an offense subject to a greater penalty under another provision of state law than under this section, this section does not prohibit prosecution and sentencing for the more serious offense.

Legislative Review Note
Office of Legislative Research and General Counsel